

EXPRESS MAIL NO.: EV 842042388 US

PATENT

DATE DEPOSITED: APRIL 30, 2008



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hildebrand et al.	)	Atty Dkt No:	66802.055
	)		
Serial No: 10/669,925	)	Examiner:	F. Vandervegt
	)		
Filed: September 24, 2003	)	Art Unit:	1644

For: ANTI-HLA ASSAY AND METHODS

Mail Stop - RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

### REQUEST FOR CONTINUED EXAMINATION (RCE) (37 C.F.R. 1.114)

1. Applicant hereby requests continued examination, in accordance with 37 C.F.R. §1.114, for the above-identified application.

**Warning:** 35 U.S.C. 132(b) and § 1.114 provide for the continued examination of an application and **not** examination of a continuing application. Accordingly, the Office will not permit an application to obtain continued examination on the basis of claims that are independent and distinct from the claims previously claimed and examined.

**Warning:** A continued examination request **cannot** be made if at least one office action under 35 U.S.C. 132 or a Notice of Allowance under 35 U.S.C. 161 has not been mailed. The provisions of 37 CFR 1.114 also do not apply (1) to a provisional application, an application for a utility or plant patent filed under 35 U.S.C. 111(a); (2) an international application filed under 35 U.S.C. 363 before June 8, 1995; (3) a patent under reexamination or (4) an application for a design patent. (37 CFR 1.114(d)).

**Note:** There is no limit to the number of times the fee for continued examination may be submitted. Notice of March 10, 2000.

**Note:** Unlike a continuation application, a continued examination request **can** utilize the mailing procedure of 37 CFR 1.8.

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### **TIME REQUEST IS BEING MADE**

2. This request is being submitted:

- i. ☒ Prior to abandonment of the application
  - ii. ☐ Payment of the Issue Fee:
    - ☐ Prior to payment of the Issue Fee
    - ☐ Issue Fee has been paid but a petition under §1.313 has been granted
  - iii. ☐ Prior to a decision on appeal to the Board of Patent Appeals and Interferences
    - ☐ A notice is being separate sent to the Board of Patent Appeals & Interferences that this Request for Continued Examination is being filed.
- Note: If such a notice is not sent to the Board, then may refuse to vacate a decision rendered after the filing of the RCE but before recognition by the Office of the RCE request under § 146.*
- iv. ☐ Appeal to the U.S. Court of Appeals of the Federal Circuit under 35 U.S.C. 145 or ☐ Commencement of a civil action under 35 U.S.C. 146
    - ☐ Prior to the filing of such appeal or commencement of civil action.
    - ☐ Such appeal or commencement of civil action has been terminated.

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### ENCLOSURES

3. Enclosed herewith:

**WARNING:** If reply to a final or non-final Office Action under 35 U.S.C. 132 is outstanding, the submission must meet the reply requirements of § 1.111 37 C.F.R. § 1.114(b).

☐ Information Disclosure Statement ( 37 CFR § 1.98)

☐ Form PTO-1449

☒ Amendment

☐ New Arguments

☐ New evidence in support of patentability

☐ Other:

### FEE FOR REQUEST

4. This application is on behalf of:

☒ Small Entity (and status is still as small entity) \$405.00

☐ Other than a small entity: \$810.00

Continued Prosecution Request Fee: \$ 405.00

**NOTE:** The fee for continued examination under § 1.114 (§ 1.17(e) does not include additional claims fee.

*The filing fee for a continued prosecution application filed under this paragraph is:  
(i) the basic filing fee as set forth in § 1.16; and any additional § 1.16 fee due  
based on the number of claims remaining in the application after entry of any  
amendment accompanying the request for an application under this paragraph  
and entry of any amendments under § 1.116 unentered in the prior application  
which Applicant has requested to be entered in the continued prosecution  
application.*

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### FEE FOR CLAIMS

5. The fee for claims (37 C.F.R. § 1.16(b)-(d)) has been calculated as shown below:

	CLAIMS AFTER RESPONSE	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	SMALL ENTITY ADDITIONAL RATE FEE	OTHER THAN SMALL ENTITY ADDITIONAL RATE FEE
TOTAL	20	92	0	X25 = \$00.00	X50 = \$
INDEP.	1	4	0	X100 = \$00.00	X200 = \$
PRESENTATION OF MULTIPLE DEP. CLAIM				X180 = \$00.00	X360 = \$
TOTAL ADDITIONAL FEE				\$00.00	\$00.00

☒ [ X ] No additional fee is required

Or

☐ [ ] Total Additional Fee Required: \$ \_\_\_\_\_

### EXTENSION OF TIME

6. Extension of Time

The proceedings herein are for a patent application, and the provisions of 37 C.F.R. § 1.136(a) apply.

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- (a) ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a)(1)-(4), for the total number of months checked below. **PLEASE CONSIDER THIS A PETITION THEREFOR.**

EXTENSION FOR (Months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
<input type="checkbox"/> One month	\$120.00	\$60.00
<input type="checkbox"/> Two months	\$460.00	\$230.00
<input checked="" type="checkbox"/> Three months	\$1,050.00	\$525.00
<input type="checkbox"/> Four months	\$1,640.00	\$820.00
<input type="checkbox"/> Five months	\$2,230.00	\$1,115.00

- ☐ An extension for \_\_\_\_\_ months has already been secured, and the fee paid therefor of \$\_\_\_\_\_ Is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request: \$ 525.00

**OR**

- a. ☐ Applicant believes that no extension of time is required. However, this is a conditional petition and authorization to pay the necessary fees to provide for the possibility that Applicant inadvertently overlook the need for a petition and fee for extension of time.

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### **TOTAL FEE(S) DUE**

**WARNING:** The fee for continued examination under § 1.114 may not be deferred.

7. The total fees are:

Continued Prosecution Fee (§ 1.17e) \$ 405.00

Fee(s) for additional claims (if any) (§ 1.16(b)-(d)) \$                     

Extension of Time fee (if any) (§ 1.17(a)(1)-(4)) \$ 525.00

### **PAYMENT OF FEES DUE**

8. Please pay the fee(s) for this continued examination application as follows:

☒ [X] The Commissioner is hereby authorized to charge \$ 405.00 to cover the Continued Prosecution fee to a credit card. A Form 2038 is attached.

☐ [ ] The Commissioner is hereby authorized to charge \$ .00 to cover the fees for the additional claims to a credit card. A Form 2038 is attached.

☒ [X] The Commissioner is hereby authorized to charge \$ 525.00 to cover the fee for the Extension of Time to a credit card. A Form 2038 is attached.

☒ [X] The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to a credit card. A Form 2038 is attached.

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### INVENTORSHIP

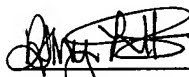
9. This Application as amended names as inventors:

☒ [ X ] the same inventors as previously designated for the claims.

☐ [ ] fewer than the inventors previously designated and a statement accompanies this request for the deletion of the name or names of the person or persons who are not inventors of the invention now being claimed.

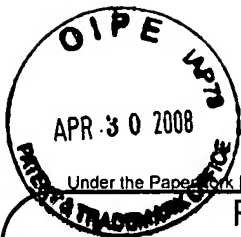
☐ [ ] a person not named previously as an inventor and a petition under 37 CFR §1.48 is/has separately ☐ [ ] being filed ☐ [ ] been filed.

Respectfully submitted,



Kathryn L. Hester, Ph.D., Reg. No. 46,768  
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Agent for Applicants



05-01-08

IF RCE

PTO/SB/30 (01-08)

Approved for use through 02/29/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Request  
for  
Continued Examination (RCE)  
Transmittal

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	10/669,925
Filing Date	09/24/2003
First Named Inventor	William H. Hildebrand
Art Unit	1644
Examiner Name	F.P. Vandervegt
Attorney Docket Number	66802.055

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- ii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/ Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_
2. **Miscellaneous**
- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other \_\_\_\_\_
3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. \_\_\_\_\_. I have enclosed a duplicate copy of this sheet.
- a. ☐ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other \_\_\_\_\_
- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
- c. ☒ Payment by credit card (Form PTO-2038 enclosed)

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Signature		Date	04/30/2008
Name (Print/Type)	Kathryn L. Hester, Ph.D.	Registration No.	46,768

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature		Date	04/30/2008
Name (Print/Type)	Kathryn L. Hester, Ph.D.		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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